

**Amendment and Response**

Applicant: David R. Dodds et al.

Serial No.: 10/758,333

Filed: Jan. 16, 2004

Docket No.: 2003P54372US

Title: MODE INDICATOR FOR TRANSCEIVER MODULE

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**REMARKS**

This Amendment replies to the Office Action mailed July 6, 2005, in which claims 1, 6-10, 15-18 and 20 were rejected, and claims 2-5, 11-14, 19 were objected to. With this Response, claims 2, 4, 5, 7, 9-13, and 15-18 are amended, and claims 1, 8, and 19 are canceled. Claims 2-5, 7, 9-18 and 20 remain pending in the application and are presented for reconsideration and allowance.

**Allowable Subject Matter**

Claims 2-5, 11-14 and 19 have been objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With this Amendment, claims 2, 4, 5, 11, 12, and 13 have been rewritten in independent form to include the base claim and any intervening claims. The independent base claims 1 and 8 have been canceled from the application. The subject matter of claim 19 has been incorporated into independent claim 18, and claim 19 canceled from the application. Accordingly, claims 2, 4, 5, 11, 12, 13, and 18 are now in allowable condition and notice to that effect is respectfully requested.

Dependent claims 3 and 14 depend from now allowable independent claims 2 and 13, and are therefore also in allowable condition. Notice to that effect is respectfully requested.

Finally, claim 7 has been amended to alter its dependency to now independent claim 2, while claims 9, 10 and 15-17 have been amended to alter their dependency to now independent claim 13. Accordingly, claims 7, 9, 10 and 15-17 are also in allowable condition and notice to that effect is respectfully requested.

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**Claim Rejections under 35 U.S.C. § 103**

Claims 1, 6-10, 15-18, and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schwer (U.S. Patent No. 5,741,153) in view of Kruger et al. (U.S. Patent Application Publication No. 2004/0101257A1).

As discussed above under the heading "Allowable Subject Matter", independent claims 1 and 8 have been canceled from the application. Claim 6 was canceled in a previous Amendment. Dependent claim 7 depends from now allowable independent claim 2. Dependent claims 9, 10 and 15-17 have been amended to depend from now allowable independent claim 13. Independent claim 18 has been amended to include the subject matter of claim 19 (now canceled), and is now in allowable condition. Dependent claim 20 depends from now allowable claim 18. Accordingly, withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 2-5, 7, 9-18 and 20 are in form for allowance. Therefore, reconsideration and withdrawal of the rejections and allowance of the claims is respectfully requested.

The Patent Office is hereby authorized to charge Deposit Account No. 50-0471 for any fees due.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Respectfully submitted,

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By his attorneys,

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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on this 6th day of October, 2005.

By 

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